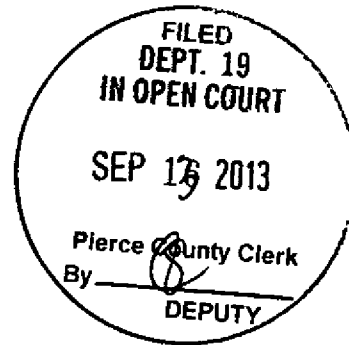


12-1-00570-4 41216535 ORDM 09-16-13



**IN THE SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE**

STATE OF WASHINGTON,
Plaintiff,

Cause No: 12-1-00570-4

vs.

**ORDER ON DEFENDANT'S MOTION TO
MODIFY AND CORRECT JUDGMENT
AND SENTENCE**

JOSEPH EMMANUEL ROWLEY III,
Defendant.

CLERK'S ACTION REQUIRED

THIS MATTER came before the undersigned judge of the above entitled court upon review of the defendant's motion filed on July 18, 2013. After reviewing the defendant's written pleadings, the Court now enters the following order pursuant to CrR 7.8(c)(2):

IT IS HEREBY ORDERED that this petition is transferred to the Court of Appeals, Division II, to be considered as a personal restraint petition. The petition is being transferred because ^{it} is not time barred but does not meet the criteria under CrR 7.8 (c)(2) to allow the Court to retain jurisdiction for a decision on the merits.

The Pierce County Superior Court Clerk shall forward a copy of this order as well as the defendant's pleadings identified above, to the Court of Appeals.

DATED this 13th of September, 2013.

JUDGE LINDA CJ LEE

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8 **SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY**

9 State of Washington

10 Plaintiff

October 3, 2013

11 vs.

No.: 12-1-00570-4

12 JOSEPH EMMANUEL ROWLEY, III

Court of Appeals No.: 44639-1

13 Defendant

14 CLERK'S PAPERS PER
15 REQUEST OF APPELLANT
TO THE
COURT OF APPEALS,
DIVISION II

16 HONORABLE LINDA CJ LEE

17 Trial Judge

18 STEPHANIE C. CUNNINGHAM
19 4616 25TH AVE NE STE 552
SEATTLE, WA 98105

ATTORNEY FOR APPELLANT

20 KATHLEEN PROCTOR
21 946 COUNTY CITY BLDG
22 FELONY DIVISION
23 TACOMA, WA 98402

ATTORNEY FOR RESPONDENT

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

State of Washington

Plaintiff

October 3, 2013

vs.

JOSEPH EMMANUEL ROWLEY, III

Defendant

No.: 12-1-00570-4
Court of Appeals No.: 44639-1

CLERK'S PAPERS PER
REQUEST OF APPELLANT
TO THE
COURT OF APPEALS,
DIVISION II

Index

Pages

AFFIDAVIT/DECLARATION IN SUPPORT, FILED July 18, 2013.....	4	-	5
MOTION TO MODIFY SENTENCE, FILED July 18, 2013.....	1	-	3
ORDER ON DEFENDANT'S MOTION TO MODIFY/CORRECT J&S, FILED September 13, 2013.....		-	6



12-1-00570-4 40882944 MTMD 07-18-13

FILED
IN COUNTY CLERK'S OFFICE

AM JUL 18 2013 PM

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY JA DEPUTY

SUPERIOR COURT OF WASHINGTON
IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON)
PLAINTIFF)

No. 12-1-00570-4

V.)

MOTION TO MODIFY OR
CORRECT JUDGEMENT
AND SENTENCE

JOSEPH E. ROWLEY III)
DEFENDANT)

(Pursuant to CrR 7.8)

FACTS

- I. Comes now JOSEPH E. ROWLEY III, defendant, in Pro Se, in the above entitled matter:
- II. The defendant appeared before Judge: LEE
- III. The state being represented by: MRS SANCHES, of the PIERCE County Prosecutors Office.
- IV. The defendant being represented by: MARK QUIGLEY Defense Attorney.
- V. The defendant plea ☒ or trial ☐ and received a sentence of 10 YRS TO LIFE

GROUND

Pursuant to Rule 7.8, Superior Court Rules of Criminal Procedure, and the court-imposed sentence. The Defendant only seeks modification of sentence, not retrial. Error in sentencing court happened when:

☐ A sentence which is ambiguous with respect to time, and manner in which to be served.

☒ The sentencing Judge must be very clear in pronouncement about whether the sentence will run concurrent or consecutive. U.S. V. Preston, 643 F.2d.1285 (1983), also see RCW 9.94A.400; U.S. V. Nass, 755 F. 2d. 1133,1136 (Fifth Circuit 1985)

☒ Other LAWYER MISREPRESENTATION: LAWYER REFUSED TO GO TO TRIAL FOR ME HIS REFUSAL TO GET EVIDENCE AS WELL AS HIS REFUSAL FOR ME TO REVIEW EVIDENCE OF STATE OR PROSECUTION. INCLUDING SURVAILANCE VIDEOS FROM MY HOME ALSO WHILE PROSE THEY WOULD NOT ALLOW MY RIGHTS IN PERSPECTIVE TO THE POSITION OF PROSE RIGHTS AND THAT MY LAWYER AND INVESTIGATOR WERE DEALING WITH PROSECUTION WITHOUT DEALING OR CONSULTING WITH ME FIRST BRINGING ABOUT TWO MORE CHARGES ON ME. I DON'T SEE HOW THIS WOULD BE HELPING MY CASE AND ALSO AGAINST THE RULES OF SELF REPRESENTATION AS WELL AS BREAKING THE RULES OF LAWYER CONDUCT AND ALSO NOT RECEIVING PROPER TIME SERVED ALSO BEING LOCKED DOWN WITHOUT EVIDENCE BY PROSECUTION TO SOLITARY CONFINEMENT IN COUNTY JAIL FOR 11 MONTHS AN ONLY RELIEVE 40 DAYS GOOD TIME UPON SERVING 366 DAYS TOTAL WHICH MY LAWYER WOULD NOT ADDRESS THE ISSUE AT HAND AT ANY TIME AND THAT MY MAIL AND PHONE RESTRICTED I COULD NOT GET THE PROPER EVIDENCE DURING PROSE TO BUILD MY CASE. THIS STOPPING MY PURSUIT OF JUSTICE GETTING EVIDENCE AND ALSO RESTRICTING MY PURSUIT OF DUE PROCESS OF LAW.

RELIEF

IM ASKING FOR A DAY FOR A DAY SINCE I WAS IN WORSE THEN SOLITARY CONFINEMENT CONDITIONS KEPT IN A 6X9 CELL WITH NO SHOWER EXCEPT ON THE OTHER SIDE OF THE JAIL EVERY 3 DAYS THIS ALSO BRINGING ABOUT ENDANGERMENT OF MYSELF SINCE I WAS IN A P.C. CELL BRINGING ABOUT OTHER INMATES BEING TOLD OF MY CRIMES. THIS CELL HADNT BEEN USED IN ALMOST TWO YEARS BECAUSE IT WAS USED AS TEMPORARY CONFINEMENT BUT I WAS THERE FOR 11 MONTHS. MY LAWYER REFUSED TO REPRESENT ME IN TRIAL, FORCEING ME INTO A PLEA I DIDNT WANT AND NOT EXPLAINING EVERYTHING I WAS BEING SENTENCED FOR ALSO GIVEING ME TWO MORE

DO TO THIS INCOMPETENCE OF NOT INFORMING THAT
 I COULD NOT CONTACT THE VICTIM OR HER FAMILY
 THROUGH THIRD PARTY AND ALSO COMMUNICATING
 TO PROSECUTION BEHIND MY BACK WHILE I WAS
 IN PRO SE STATUS PLUS DEALING WITH PROSECUTION
 WITH MY PRIVATE MATTERS BEFORE CONSULTING
 ME WHICH IS BREAKING THE LAWS OF COUNSEL
 UNDER BAR ASSOCIATION RULES OF CONDUCT
 OF A LAWYER AND ALSO BREAKING MY CONSTITUTIONAL
 RIGHTS UNDER THE LAWS OF PRO SE REPRESENTATION.
 I WOULD LIKE A NEW CHANCE AT A TRIAL
 SINCE I WAS DENIED

I declare under penalty of perjury under the laws of the State of Washington that
 the foregoing is true and correct.

Dated on the 9 day of JULY, 20 13

Joseph E Rowley III
 Signature

JOSEPH E ROWLEY III #293155
 Printed Name and D O C #



12-1-00570-4 40882947 AFS 07-18-13

AFFIDAVIT

FILED
IN COUNTY CLERK'S OFFICE

AM JUL 18 2013 PM.

PIERCE COUNTY, WASHINGTON
KEVIN STOOGA County Clerk
BY [Signature] DEPUTY

STATE OF WASHINGTON)

AFFIDAVIT OF OATH

IN SUPPORT OF MOTION TO

) ss

MODIFY OR CORRECT

JUDGEMENT AND SENTENCE

COUNTY OF PIERCE)

(Pursuant of CrR 7.8)

Mr. JOSEPH E. ROWLEY III On Oath Says: THAT LAWYER MISREPRESENTATION. LAWYERS REFUSAL TO GET EVIDENCE AS WELL AS STATE PROSECUTION AND MY OWN LAWYER NOT ALLOWING REVIEW OF EVIDENCE OF HOME SURVILLANCE VIDEOS WHILE PRO SE THEY WOULD NOT ALLOW MY CIVIL RIGHTS IN PROSPECTIVE TO THE POSITION TO PRO SE THAT MY LAWYER AND INVESTIGATOR WERE DEALING WITH PROSECUTION WITHOUT CONSULTING ME FIRST BRINGING ABOUT TWO MORE CHARGES I DONT SEE HOW THIS IS HELPING ME AND ALSO AGAINST THE RULES OF SELF REPRESENTATION AS WELL AS RULES OF PROFESSIONAL CONDUCT

I DO NOT THINK I RECIEVED PROPER TIME SERVED DO TO NO EVIDENCE BY PROSECUTION THAT WAS CLEAR AND VISABLE THAT NO EVIDENCE EXISTED FROM ACCUSATIONS BY DARRELL DEAN'S TESTIMONY THAT ALSO THE DETECTIVES TOLD PROSECUTION THERE WAS NO EVIDENCE AND I WAS STILL LOCKED DOWN IN SOLITARY CONFINEMENT BREAKING MANY OF MY CONSTITUTIONAL RIGHTS AND THAT THE WITNESSES TESTIMONY CLEARLY STATES NO DEAL WAS EVER CONFIRMED.

I AM ASKING FOR A DAY BY DAY TIME SERVED SINCE I WAS IN WORSE THEN SOLITARY CONFINEMENT CONDITIONS IN A 6X7 CELL WITH NO SHOWERS BUT EVERY 3 DAYS AND PARADED THROUGH THE 3RD FLOOR PEOPLE REALIZING I WAS IN P.C. ENDANGERING ME

BY OTHERS KNOWING OF ~~MY~~ ^{CHARGES} ~~AND~~ ²⁹³¹⁵⁵ AND
BEING IN A P.C. CELL THAT HAD NOT BEEN USED IN
2 YEARS EXCEPT TEMPORARY CONFINEMENT I WAS
THERE FOR 11 MONTHS AND THAT MY LAWYER KEPT EXTEND-
-ING COURT DATES BUT NOT GETTING EVIDENCE OR DOING
ANYTHING IN MY BEHALF AND ALSO NOT FOLLOWING MY
CASE DIRECTION WHILE PRO SE NOT FOLLOWING LAWYER
CONDUCT OR PROPER CASE BUILDING IN MY CASE NO
DUE PROCESS OR NO PURSUIT OF JUSTICE WHICH I
HAVE A LEGAL AND CONSTITUTIONAL RIGHT TO AND ALSO
NOT FOLLOWING MY RIGHTS TO SUBPOENAS WHICH WERE
ALREADY APPROVED BY JUDGE LEE AND LAWYER CONDUCT
THAT BOTH LAWYER AND INVESTIGATOR WERE DEALING
WITH PROSECUTION WITHOUT PROPER AUTHORITY WHILE
I WAS PRO SE.

I, JOSEPH E. ROWLEY III, declare under penalty of perjury, under
the laws of the State of Washington, and to the Laws of the United States of America,
that the foregoing is true and correct pursuant to: RCW 9A.72.085, and 28 U.S.C. § 1746.

DATED: JULY 9 2013.

Joseph E Rowley III #293155
Signature DOC#
JOSEPH E. ROWLEY III
Print Name

AFFIDAVIT OF.

OATH

PIERCE COUNTY SUPERIOR COURT

September 26, 2013 - 11:30 AM

Transmittal Letter

Document Uploaded: prp-ROWLEYPRP-2.pdf

Case Name: STATE OF WASHINGTON VS. JOSEPH EMMANUEL
ROWLEY III

County Cause Number: 12-1-00570-4

Court of Appeals Case Number:

✓ Personal Restraint Petition (PRP) Transfer Order

Notice of Appeal/Notice of Discretionary Review

(Check All Included Documents)

Judgment & Sentence/Order/Judgment

Signing Judge: _____

Motion To Seek Review at Public Expense

Order of Indigency

Filing Fee Paid - Invoice No: ____

Affidavit of Service

Clerk's Papers - Confidential Sealed

Supplemental Clerk's Papers

Exhibits - Confidential Sealed

Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Administrative Record - Pages: ____ Volumes: ____

Other: _____

Co-Defendant Information:

No Co-Defendant information was entered.

Comments:

No Comments were entered.

Sender Name: Emma J Gaddis

PIERCE COUNTY SUPERIOR COURT

October 03, 2013 - 3:06 PM

Transmittal Letter

Document Uploaded: prp-ROWLEYPRP-3.pdf

Case Name: STATE OF WASHINGTON VS. JOSPEH EMMANUEL
ROWLEY III

County Cause Number: 12-1-00570-4

Court of Appeals Case Number:

✓ Personal Restraint Petition (PRP) Transfer Order

Notice of Appeal/Notice of Discretionary Review

(Check All Included Documents)

Judgment & Sentence/Order/Judgment

Signing Judge: _____

Motion To Seek Review at Public Expense

Order of Indigency

Filing Fee Paid - Invoice No: ____

Affidavit of Service

Clerk's Papers - Confidential Sealed

Supplemental Clerk's Papers

Exhibits - Confidential Sealed

Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Administrative Record - Pages: ____ Volumes: ____

Other: _____

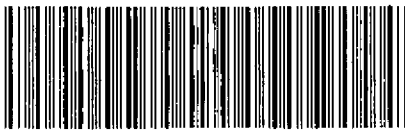
Co-Defendant Information:

No Co-Defendant information was entered.

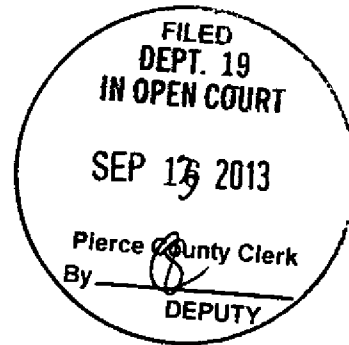
Comments:

No Comments were entered.

Sender Name: Emma J Gaddis



12-1-00570-4 41216535 ORDM 09-16-13



IN THE SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE

STATE OF WASHINGTON,
Plaintiff,

Cause No: 12-1-00570-4

vs.

**ORDER ON DEFENDANT'S MOTION TO
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AND SENTENCE**

JOSEPH EMMANUEL ROWLEY III,
Defendant.

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The Pierce County Superior Court Clerk shall forward a copy of this order as well as the defendant's pleadings identified above, to the Court of Appeals.

DATED this 13th of September, 2013.

[Signature]
JUDGE LINDA CJ LEE

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8 **SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY**

9 State of Washington

10 Plaintiff

September 17, 2013

11 vs.

No.: 12-1-00570-4

12 JOSEPH EMMANUEL ROWLEY, III

Court of Appeals No.: 44639-1

13 Defendant

14 CLERK'S PAPERS PER
15 REQUEST OF APPELLANT
TO THE
COURT OF APPEALS,
DIVISION II

16 HONORABLE LINDA CJ LEE

17 Trial Judge

18 STEPHANIE C. CUNNINGHAM
19 4616 25TH AVE NE STE 552
SEATTLE, WA 98105

ATTORNEY FOR APPELLANT

20 KATHLEEN PROCTOR
21 946 COUNTY CITY BLDG
22 FELONY DIVISION
23 TACOMA, WA 98402

ATTORNEY FOR RESPONDENT

1
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3 **SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY**

4 State of Washington

5 Plaintiff

September 17, 2013

6 vs.

No.: 12-1-00570-4

7 JOSEPH EMMANUEL ROWLEY, III

Defendant

Court of Appeals No.: 44639-1

8 CLERK'S PAPERS PER
9 REQUEST OF APPELLANT
10 TO THE
11 COURT OF APPEALS,
DIVISION II

12 Index

Pages

13 ORDER ON DEFENDANT'S MOTION TO MODIFY/CORRECT J&S,

14 FILED September 13, 2013.....

- 1

PIERCE COUNTY SUPERIOR COURT

September 17, 2013 - 2:10 PM

Transmittal Letter

Document Uploaded: prp-ROWLEYPRP.pdf

Case Name: STATE OF WASHINGTON VS. JOSEPH EMMANUEL
ROWLEY III

County Cause Number: 12-1-00570-4

Court of Appeals Case Number:

✓ Personal Restraint Petition (PRP) Transfer Order

Notice of Appeal/Notice of Discretionary Review

(Check All Included Documents)

Judgment & Sentence/Order/Judgment

Signing Judge: _____

Motion To Seek Review at Public Expense

Order of Indigency

Filing Fee Paid - Invoice No: ____

Affidavit of Service

Clerk's Papers - Confidential Sealed

Supplemental Clerk's Papers

Exhibits - Confidential Sealed

Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Administrative Record - Pages: ____ Volumes: ____

Other: _____

Co-Defendant Information:

No Co-Defendant information was entered.

Comments:

No Comments were entered.

Sender Name: Emma J Gaddis